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Attorneys for Defendant  
ANNE E. LOPEZ, in her  
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General for the State of Hawai‘i

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I

TODD YUKUTAKE and JUSTIN  
SOLOMON,

Plaintiffs,

vs.

ANNE E. LOPEZ, in her official  
capacity as Attorney General for the  
State of Hawai‘i,

Defendant.

CIVIL NO. 22-00323 JAO-WRP  
STIPULATION OF FACTS

### STIPULATION OF FACTS

WHEREAS plaintiffs TODD YUKUTAKE (“Plaintiff Yukutake”) and JUSTIN SOLOMON (“Plaintiff Solomon”) (collectively, “Plaintiffs”), have instituted this action in order to secure a judicial determination as to whether weapons known as billies and batons are protected arms under the Second Amendment to the Constitution of the United States of America, and

WHEREAS the parties desire to narrow the factual issues where possible to enable the court to decide the legal issue presented,

NOW THEREFORE the parties agree and stipulate to the following matters for purposes of the present case as though they are admitted pursuant to Rule 36 of the Federal Rules of Civil Procedure, including the provision in Rule 36(b) that an admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding. This stipulation applies to billies and batons. It does not include or apply to any of the other weapons mentioned in Hawai‘i Revised Statutes (“HRS”) § 134-51.

1. The terms “baton” and “billy” are used synonymously.
2. An example of the batons or billies at issue here are similar or identical to those found here: <https://www.budk.com/Expandable-Baton-26-Inch-22397> (expandable or telescoping metal baton).
3. Batons are bearable arms.

4. Batons are designed for self-defense.
5. Batons are not dangerous and unusual weapons.
6. Batons are statistically less dangerous to an aggressor than firearms.
7. The typical use of a baton is for a lawful purpose.
8. Batons are standard equipment carried by police officers in all 50 states.
9. Batons are in common use.
10. Neither Plaintiff Yukutake nor Plaintiff Solomon have ever committed a crime that disqualifies them from firearms ownership.
11. Neither Plaintiff Yukutake nor Plaintiff Solomon suffers from or has ever suffered from a mental illness that would disqualify them from firearms ownership.
12. Plaintiffs do not use drugs or abuse alcohol.
13. Plaintiffs are trained in the use of batons.
14. Plaintiffs are qualified to possess and carry batons.
15. Plaintiffs wish to possess and carry batons outside the scope of their work duties and to the extent permitted by the Second Amendment.

16. Plaintiffs have the immediate means to possess and carry batons outside the scope of their work duties should the Court find such activity is protected by the Second Amendment.
17. The instruments considered to comprise the term “billy” and which are, therefore, prohibited by HRS § 134-51 are typically short clubs that are intended to be carried by a law enforcement officer, and include but are not limited to cudgels, truncheons, police batons, collapsible batons, police officers’ billy clubs, nightsticks, or other similar instruments closely associated with criminal activity and are designed to inflict bodily injury or death. “Billy” as used in HRS § 134-51 includes the instrument that is the subject of this case as described in footnote 4 and paragraphs 50 and 62 of the Complaint.

DATED: Honolulu, Hawai‘i, March 22, 2023.

Attorneys for Defendant  
ANNE E. LOPEZ, in her  
Official Capacity as Attorney  
General for the State of Hawai‘i

/s/ John H. Price  
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TODD YUKUTAKE and  
JUSTIN SOLOMON

/s/ Alan Alexander Beck  
ALAN ALEXANDER BECK, ESQ.  
Law Office of Alan Beck

/s/ Richard L. Holcomb  
RICHARD L. HOLCOMB, ESQ.  
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APPROVED AND SO ORDERED:



A handwritten signature in black ink, appearing to read "Jill A. Otake".

Jill A. Otake  
United States District Judge

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*Todd Yukutake and Justin Solomon v. Anne E. Lopez, in her Official Capacity as Attorney General for the State of Hawai'i*; Civil No. 22-00323 JAO-WRP;  
STIPULATION OF FACTS